



April 16, 2009

Mr. Jon Howell
Georgia Health Care Association
160 Country Club Drive
Stockbridge, GA 30281

Dear Mr. Howell:

I am contacting you regarding your letter dated March 23, 2009, addressed to Dr. Medows. Your correspondence referred to a notice to nursing home providers and the Department's intent to initiate random audits. Please allow me the opportunity to address two specific issues raised in your letter; evidence of compliance and the method to be used for recoupment of Medicaid funds paid to facilities found to be in non-compliance.

O.C.G.A. 37-7-351 requires that a nursing home:

- 1.) Request a criminal record check from GCIC to determine whether an applicant has a criminal record and;
- 2.) Shall make a written determination for each applicant for whom the criminal record check is performed.

It is the expectation of the Department that nursing homes comply with the statute and abide by Sections 106(W) and 404(J) of Part 1 Policy and Procedures manual for Medicaid/PeachCare for Kids.

The Office of Inspector General for DCH and the Georgia Bureau of Investigation, Georgia Crime Information Center (GCIC), are also researching the proper use of Public Law 105-277. This federal code gives nursing homes the responsibility to conduct extensive background checks of employees.

Nursing homes employing individuals in violation of Sections 106(W) and 404(J), will be subject to a recoupment of an amount equal to the salary and benefits paid during their time of employment. The Department is following a methodology used by the United States Department of Health and Human Services, Office of Inspector General in determining overpayments for some types of Excluded Individuals cases.

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Please do not hesitate to call me at (404) 463-7392 with questions or concerns.

Sincerely,

Robert M. Finlayson, III, Inspector General
Office of Inspector General

RF:yf

cc: Dr. Rhonda M. Medows, Commissioner
Jerry Dubberly, Chief